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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of)
)
Closed Captioning and Video Description) MM Docket No. 95-176
of Video Programming)

ORDER

Adopted: February 27, 1996

Released: February 27, 1996

Comment Date: March 15, 1996

Reply Comment Date: April 1, 1996

By the Commission:

1. On December 1, 1995, the Commission adopted a *Notice of Inquiry* ("*Notice*") in this proceeding.¹ The *Notice* sought comment on a wide variety of issues relating to closed captioning and video description of video programming. By this Order, the Commission announces its intention to use the comments filed in this proceeding for the inquiries it is required to conduct on these issues pursuant to Section 305 of the Telecommunications Act of 1996 ("Act").² In order to provide an opportunity for commenters to better direct their comments towards the specific provisions of the Act, the Commission extends the time for filing comments in this docket until March 15, 1996, with replies due on April 1, 1996.³

2. Section 305 of the Act adds a new Section 713, Video Programming Accessibility, to the Communications Act of 1934, as amended, 47 U.S.C. 151 et seq. Section 713(a) requires the Commission to complete an inquiry within 180 days of enactment (February 8, 1996) to ascertain the level at which video programming is closed captioned. A

¹ See *Notice of Inquiry*, MM Docket No. 95-176, FCC 95-484, released December 5, 1995, summarized at 60 Fed. Reg. 65052 (December 18, 1995).

² Telecommunications Act of 1996 ("Act"), Pub. L. 104-104, 110 Stat. 56 (1996).

³ The comment period was extended previously until February 28, 1996, for initial comments and until March 15, 1996, for replies. *Order Granting Extension of Time for Filing Comments*, DA-96-53, adopted January 22, 1996.

report on the results of this inquiry shall be submitted to Congress. Within 18 months of enactment, the Commission is required to establish regulations and implementation schedules to ensure that video programming is fully accessible through closed captioning.⁴

3. Section 713(a) specifically directs the Commission to examine the extent to which existing or previously published programming is closed captioned, the size of the video programming provider or programming owner providing closed captioning, the size of the market served, the relative audience shares achieved, or any other related factors in this inquiry.

4. Section 713(f) requires the Commission to commence an inquiry within six months after the date of enactment to examine the use of video descriptions on video programming to ensure the accessibility of video programming to persons with visual impairments. The Commission must report to Congress on its findings, including an assessment of the appropriate methods and schedules for phasing video descriptions into the marketplace, technical and quality standards for video description, a definition of programming for which video descriptions would apply, and other technical and legal issues that the Commission deems appropriate.

5. Prior to the enactment of the Act, the Commission issued a *Notice seeking* information on closed captioning and video description of video programming. This inquiry was initiated to assess the current availability, cost, and uses of closed captioning and video description, and to determine what Commission actions would be appropriate to promote these services. It also seeks comment on the appropriate means of promoting wider use of closed captioning and video description in programming delivered by broadcast television, cable television, and other video providers.

6. This *Notice* sought information consistent with the legislation that was pending at the time. The Act adopted the pending provisions concerning the availability of video programming with closed captioning and video descriptions. Thus, the existing Commission proceeding addresses the issues the Commission must explore in the inquiries required by Section 713.

7. Accordingly, the Commission has determined that separate proceedings are unnecessary to implement Section 713. However, in order to provide parties with an opportunity to refine their comments and to focus on the specific information needed to implement the video programming accessibility provisions with respect to closed captioning and video description, the period for filing comments in this docket will be extended.

8. In particular, we emphasize that the scope of this inquiry encompasses all types of available video programming with closed captioning and video description delivered to

⁴ See Section 713(b)-(e).

consumers through any existing distribution technology. These distribution technologies include broadcast television, cable television, wireless cable, direct-to-home satellite services, such as direct broadcast satellite service ("DBS") and home satellite dishes ("HSDs"), satellite master antenna systems ("SMATVs"), and local telephone exchange carrier video. We seek information regarding programming produced by national broadcast and cable networks, syndicated programming, programming produced locally by broadcasters and cable operators, and local and nationally produced public television programming. Commenters should provide data on the extent of closed captioning or video description of video programming that is unique to any particular distribution technology (e.g., DBS) or type of programming (e.g., public broadcasting).

9. Furthermore, the Commission requests information regarding the size of the market served and the relative audience shares achieved by such video programming (e.g., the audience share for closed captioned programs relative to comparable programming that is not captioned), as well as any other comments, data, or information that parties consider relevant for the preparation of the Commission's report to Congress.

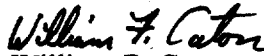
10. In addition, for the Commission's report to Congress concerning video descriptions on video programming, we request comments and information regarding methods and schedules for phasing in video descriptions, technical and quality standards, a definition of programming for which video descriptions would apply, and any other relevant technical and legal issues that we should consider in our assessment of the accessibility of video descriptions.

11. IT IS ORDERED, that the time for filing comments in the above-captioned proceeding IS EXTENDED to March 15, 1996, and the time for filing reply comments IS EXTENDED to April 1, 1996.

12. This action is taken pursuant to authority found in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r), and Section 305 of the Telecommunications Act of 1996, Pub. L. 104-104, 110 Stat. 56 (1996).

13. For further information, contact Marcia Glauber, Policy and Rules Division, Cable Services Bureau, at (202) 416-0800.

FEDERAL COMMUNICATIONS COMMISSION


William F. Caton
Acting Secretary